

In the High Court of Uttarakhand at Nainital.
Criminal Misc. Application No. 148/2004

Vijay Kumar Dhyani S/o Sri Manohar Lal Dhyani
R/o House no. W.H. 20, Sector-6 B.H.E.L. Haridwar
And DDBhagwat Puram Colony Near Bhero Mandir,
Kankhal, District Dehradun Petitioner.

Vs.

1. State of Uttarakhand,
2. Archana Dhyani W/o Vijay Kumar Dhyani
R/o Sri Ram Saran Sharm House no. B-10 Gali no.3
Shastri Nagar Haridwar Road, Dr. Nehru Gram,
Dehradun,
3. Family Court Dehradun Respondents.

Hon'ble Irshad Hussain, J.

Heard Sri Vinod Sharma learned counsel for the petitioner and Sri K.S. Rautela learned A.G.A. and perused the record.

This is a petition under section 482 of the Code of Criminal Procedure (for short 'Code') for a direction to respondent no.3 to decide the original suit no. 260 of 2002 Smt. Archana Dhyani Vs. Vijay Kumar Dhyani expeditiously. The petitioner is the husband and the suit for dissolution of marriage had been filed by the wife respondent no.2 in the year 2001. Since then the suit has not been disposed of finally on merit. It appears that the parties are at loggerheads and they are living separately. No doubt in a situation like this both the parties are subjected to pain and agony in view of the strained relations and it is in the interest of both the parties that the suit for dissolution of marriage be decided on merit at the earliest so that in every alternative they may settle themselves in life at the earliest. Considering this the petitioner appears entitled to the prayer made for in this petition and a suitable direction deserves to be given to the respondent no.3.

In view of above the petition is disposed of with the direction that the respondent no.3, Principal Judge Family Court, Dehradun shall decide the said original suit no. 260/2002 Smt. Archana Dhyani vs. Vijay Kumar Dhyani expeditiously, preferably, within a period of three months from the date of the receipt of the certified copy of this order.

Dated: 2-4-2004

(Irshad Hussain, J.)

ISB